

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: )  
Da Silva Rodrigues et al. )  
 )  
Serial No.: 10/581,774 )  
Filed: June 6, 2006 )  
 )  
Earliest Priority Filing Date: 11 December 2003 )  
International Filing Date: 10 December 2004 )  
PCT Application No.: PCT/IB2004/004350 )  
 )  
For: SMOKING ARTICLE )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF DEATH OF JOINT INVENTOR UNDER MPEP § 409**

Dear Sirs:

This is notice that one of the joint inventors herein, Antonio Augusto da Silva Rodrigues, is now deceased. Attached are the death certificate and the Statutory Declaration from the second and surviving inventor, Mr. Eduardo José Faria Miranda confirming that subsequent to the signing of the Declaration of Inventorship, Mr. Rodrigues has died.

An Assignment document assigning the invention to Souza Cruz, S.A., the employer of both joint inventors at the time of the filing of the priority application, and executed only by Mr. Miranda, is also being submitted to the U.S. Patent Office, under separate cover, to be recorded with the U.S. Patent Office.

Further prosecution of this application will be undertaken on behalf of the assignee, Souza Cruz, S.A. Please enter this information into the record of the above referenced patent application.

Respectfully submitted,



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Charles I. Sherman, Reg. No. 22,998  
MIDDLETON REUTLINGER  
Ph (502) 625-2745

SMOKING ARTICLE

Inventor: Da Silva Rodrigues et al. .

Atty.Dkt.: SC3

Date: August 28, 2006

2500 Brown & Williamson Tower  
Louisville, Kentucky 40202  
csherman@middreut.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	)	
Miranda et al.	)	Examiner: Not Assigned
	)	
PCT Serial No. PCT/IB2004/004350	)	Unit: Not Assigned
PCT File Date: December 10, 2004	)	
	)	
U.S. Serial No.: Not Determined Yet	)	
U.S. Filing Date: June 6, 2006	)	
	)	
For: Smoking Article	)	

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Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATUTORY DECLARATION OF SURVIVING INVENTOR**  
**Under 28 U.S.C. § 1746, MPEP 602II and 409.01(f)**

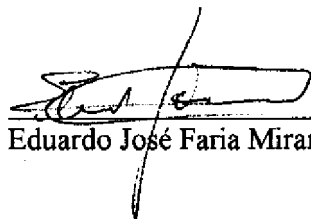
Dear Sirs:

1. My name is Eduardo José Faria Miranda and I am a co-inventor in the above-identified application, together with Antonio Augusto da Silva Rodrigues.
2. Both I and Mr. Rodrigues, at the time this invention was made, were employees of Souza Cruz S.A., a Brazilian company having a post office address at Rua Candalaria, 66, Rio de Janeiro, Brazil.
3. Both I and Mr. Rodrigues have executed a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis1(a)(iv) in this application.
4. Subsequent to signing the Declaration of Inventorship, Mr. Rodrigues has died, as confirmed by the attached Atestado de Óbito (or affidavit by a medical doctor).
5. Accordingly, I have signed an individual Assignment of Invention and Letters Patent to Souza Cruz, S.A. as required by the conditions of our employment by that company.



I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

  
A handwritten signature in dark ink, appearing to read 'Eduardo', is written over a horizontal line. A long, thin vertical stroke extends downwards from the signature, crossing the line and continuing below the printed name.

Eduardo José Faria Miranda

Executed on 27<sup>th</sup> July, 2006.

BAIRROS ABRANGIDOS: LURÇA, BOTAFOGO, COPACABANA, PANDEIRA, LEBLON, HUMAITÁ, JARDIM BOTÂNICO, LARANJEIRA, GÁVEA, NOVOA, VIGIL, SÃO CONRADO, BARRA DA TIJUCA, RECIFE DOS BARBANTES



REPÚBLICA FEDERATIVA DO BRASIL

**Quinta Circunscrição do Registro Civil das Pessoas Naturais e Tabelionato da Capital do Estado do Rio de Janeiro**

Av. Nossa Senhora de Copacabana, 1.181 A - Copacabana - Rio de Janeiro / RJ - Brasil - CEP 22070-010 - [www.quintacircpnj.com.br](http://www.quintacircpnj.com.br)

*Alan J.S. Borges - Registrador Oficial*

**CERTIDÃO DE ÓBITO**  
**TRASLADO**

CERTIFICO que, no livro 0615-C, às folhas 283, sob número 141367, consta o assento de óbito de ANTONIO AUGUSTO DA SILVA RODRIGUES, falecido no dia doze de fevereiro de dois mil e cinco (12/02/2005), às 11 horas e 30 minutos, no(a) Clínica São Vicente-Gávea, Rio de Janeiro-RJ, residente e domiciliado na Rua Paulo Emilio Gomes, 350-Jacarepagua, Rio de Janeiro, RJ, do sexo masculino, de cor branca, profissão farmacêutico, estado civil casado com Nadia Maria de Almeida Rodrigues, com 52 anos de idade, natural de Portugal. Filho de Manuel Rodrigues e de Maria Emilia da Silva. deixou bens, não era eleitor, testamento desconhecido. Deixou 3 filho(a)(s) maior(es). O atestado de óbito foi firmado pelo Dr. Dante Pagnoncelli CRM Nº 52313613, que deu como causa da morte: insuficiência respiratória, linfangite carcinomatosa pulmonar, metastase óssea e cerebral, câncer de pulmão, com autorização do sepultamento antes das 24 horas pos mortis. Registro feito em quinze de fevereiro de dois mil e cinco (15/02/2005). O sepultamento foi realizado no Cemitério Pechincha. Foi declarante Laura Bezerra Dias Azevedo. Registro feito conforme declaração de óbito nº 06419694. OBSERVAÇÕES: Documentos de identificação do obituado: RG nº 4564704-H RNE.

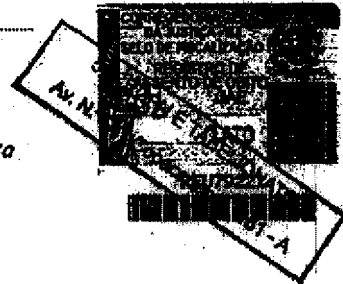
Eu, \_\_\_\_\_, Gilberto Peralta Pereira, Escrevente, a extraí. O referido é verdade e dou fé.

Rio de Janeiro, 15 de fevereiro de 2005.

\_\_\_\_\_  
Oficial do Registro Civil

Digitado por: PERALTA  
SEM EMOLUMENTOS

*Gilberto Peralta Pereira*  
Escrevente Autorizado  
04/1178-CCJ-RJ



COMO INDÍCIO DE ADULTERAÇÃO OU TENTATIVA DE FRAUDE, SERVENTIA EXTRAJUDICIAL, OFICIAL NOMEADO NA FORMA DO ART 236 DA CARTA MAGNA ATRAVÉS DE CONCURSO PÚBLICO DE PROVAS E TÍTULOS.

ASSOCIADO  
AJORNADO - RJ / AJORN - RJ / COLÉGIO NOTARIAL



REPÚBLICA FEDERATIVA DO BRASIL  
**RICARDO DIMAS RAMOS CARNEIRO**

TRADUTOR PÚBLICO E INTÉRPRETE COMERCIAL

SWORN PUBLIC TRANSLATOR and COMMERCIAL INTERPRETER

Rua Real Grandeza, 193 ap. 601, Botafogo - Rio de Janeiro - RJ - 22281-035 - Tel: (21) 2539-8617 / 2537-6387  
 Matrícula JUCERJA nº 166 - RG nº 2.336.245 IFP - CPF 273.535.757/00 - e-mail: ricardodimas@openlink.com.br

I, the undersigned, a Sworn Public Translator and Commercial Interpreter in and for this City of Rio de Janeiro, State of Rio de Janeiro, Federative Republic of Brazil, duly appointed by Administrative Rule no. 692 of April 11, 2006, issued by the President of the Board of Trade of the State of Rio de Janeiro, DO HEREBY CERTIFY AND ATTEST, that a document written in PORTUGUESE was presented to me for translation into ENGLISH, which I have lawfully performed, by reason of my official capacity, as follows: -----

-----TRANSLATION No. 0047 -----

Arms of the Federative Republic of Brazil -  
 FEDERATIVE REPUBLIC OF BRAZIL - EIGHTH CIVIL  
 REGISTRY OF INDIVIDUALS OF THE CAPITAL OF THE  
 STATE OF RIO DE JANEIRO - Address: Av. N. S.  
 Copacabana, 1151, Copacabana, Rio de Janeiro - RJ  
 - Brazil --- Alan J. S. Borges - Official  
 Registrar - Transcript of a **DEATH CERTIFICATE** -----

I CERTIFY that, in book 0615-C, on page 283, under  
 no. 141367, there appears the entry regarding the  
 death of **ANTONIO AUGUSTO DA SILVA RODRIGUES**,  
 deceased on February 12, 2005, at 11:30 AM, at  
 Clinic São Vicente (Saint Vincent), in Gávea, Rio  
 de Janeiro, RJ, Brazil, resident and domiciled at  
 Rua Paulo Emilio Gomes, 350, Jacarepaguá, Rio de  
 Janeiro, RJ, Brazil, of male sex, white color,  
 pharmacist, married to Nadia Maria de Almeida  
 Rodrigues, aged 52, born in Portugal, son of  
 Manuel Rodrigues and Maria Emilia da Silva. The





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Rua Real Grandeza, 193 ap. 601, Botafogo - Rio de Janeiro - RJ - 22281-035 - Tel: (21) 2539-8617 / 2537-6387  
Matricula JUCERJA nº 166 - RG nº 2.336.245 IFP - CPF 273.535.757/00 - e-mail: ricardodimas@openlink.com.br

decedent left property. He was not elector and any  
'testament and last will' is unknown. The decedent  
left three (3) children of age. The death  
certificate was signed by Dr. Dante Pagnoncelli,  
enrolled with the Regional Council of Medicine  
under no. 52313613, who attested as *causa mortis*:  
respiratory insufficiency, pulmonary carcinomatous  
lymphangitis, osseous and cerebral metastasis,  
lung cancer, with authorization for burying before  
elapsed 24 hours after death. Registration made on  
February 15, 2005. The burial was made at  
Pechincha Cemetery. Laura Bezerra Dias Azevedo was  
the declarant. Registration made as per  
declaration of death no. 06419694. Remarks:  
Decedent's identification document RG no. 64704-H  
RNE. -----

I (signature) Gilberto Peralta Pereira, Clerk,  
prepared this document. IN WITNESS WHEREOF. -----

Rio de Janeiro, February 15, 2005. -----

Signed: Gilberto Peralta Pereira, Authorized Clerk

- Record no. 94/1178-CGJ-RJ -----

No emoluments were charged. -----

THERE APPEARS an obliterated Notarial Seal under  
no. 79221. -----





REPÚBLICA FEDERATIVA DO BRASIL  
**RICARDO DIMAS RAMOS CARNEIRO**

TRADUTOR PÚBLICO E INTÉRPRETE COMERCIAL

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Matrícula JUCERJA nº 166 - RG nº 2.336.245 IFP - CPF 273.535.757/00 - e-mail: ricardodimas@opentlink.com.br

THE ABOVE was the full text of said document, the translation of which was set forth on 3 (three) pages. -----

IN WITNESS WHEREOF, I set my hand and seal of office in Rio de Janeiro, RJ, Brazil, on July 24, 2006. -----

*Ricardo Dimas Ramos Carneiro*



ASSIGNMENT OF INVENTION  
AND OF LETTERS PATENT

Whereas, I, (the "**Inventor**"), **Eduardo José Faria Miranda**, residing at Av. Dom Helder Câmara, 2066, Vieira Fazenda, Rio de Janeiro, RJ, 210590900, Brazil, have invented certain improvements in a **SMOKING ARTICLE**, (the "**Invention**"), and have executed a U.S. utility patent application for United States Letters Patent of the same title, herewith (the "**Application**"), which was filed on June 6, 2006. The **Application** claims priority to and benefit from as a 35 U.S.C. § 371 as a national stage filing of PCT/IB2004/004350, filed on December 10, 2004, which claims priority to and benefit from, currently pending, Great Britain Patent Application Serial Number GB0328644.0, filed on December 11, 2003; and,

Whereas, (the "**Assignee**"), **Souza Cruz S.A.**, a Brazilian company (including its successors and assigns), whose post office address is Rua Candelária, 66, Rio de Janeiro, Brazil, desires to acquire my entire right, title and interest in said **Application** and **Invention**, and any United States and foreign patents to be obtained therefor;

Now therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, I hereby sell, assign and transfer unto said **Assignee**, the entire right, title and interest in said **Application** and the **Invention** disclosed therein for the United States of America, including rights of priority under the International Convention of Paris (1883) as amended and the entire right, title, and interest in and to any and all patent applications, patents, continuations, continuations-in-part, divisionals, and reissues based thereon which may be filed or granted therefor in the United States. I also agree that **Assignee**, may apply for foreign Letters Patent on the **Invention**, and I agree to cooperate with **Assignee**, and to execute without additional consideration any additional documents as deemed necessary by **Assignee**, to apply for or maintain patents or other legal protection for the **Invention** in the United States of America.

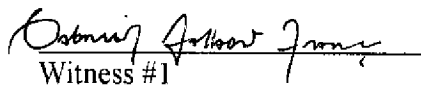
I hereby authorize and request the U.S. Commissioner of Patents and Trademarks



to issue any Letters Patent granted upon the invention set forth in this **Application** to said Assignee.

  
Eduardo José Faria Miranda

Executed this 27<sup>th</sup> day of July, 2006 in Rio de Janeiro, Brazil.

  
Witness #1

(type/print name & address)

Gabriel Vellozo França

Av. Rio Branco, 45 salas 2011 e 2012

Centro - CEP: 20090-003

Rio de Janeiro - RJ - Brasil

  
Witness #2

(type/print name & address)

Custina Maria Alvim

Av. Rio Branco, 45 salas 2011 e 2012

Centro - CEP 20090-003

Rio de Janeiro - RJ - Brasil